

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>August 06, 2014</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2013-55-C</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	

SUBJECT:

[DOCKET NO. 2013-55-C](#) - South Carolina Telephone Coalition Petition to Modify Alternative Regulation Plans Filed Pursuant to S.C. Code Section 58-9-576(B) to Take Into Account Recent Action by the Federal Communications Commission - Discuss with the Commission the South Carolina Cable Television Association's Petition for Rehearing and/or Reconsideration.

COMMISSION ACTION:

Move that the South Carolina Cable Television Association's Petition for Rehearing and/or Reconsideration of Commission Order Nos. 2014-517 and 2013-908 be denied.

With regard to Order No. 2014-517, which denied SCCTA's Motion to reduce State USF payments for rural local exchange carriers, SCCTA has presented no new information that would lead this Commission to a different result. SCCTA has simply restated the issues presented to this Commission at oral argument. Each issue has been thoroughly addressed and expressly rejected in Order No. 2014-517. SCCTA does allege that our Order relied on matters outside of the record, specifically on the concept that implicit support has dropped dramatically due to changes in federal USF support and available industry statistics regarding the reduction in access lines. Actually, although we made certain statements in the "Discussion" section of our Order regarding the reduction in implicit support, we did not make a finding in this regard, nor did we rely on this information in reaching a conclusion. I would note that there are several citations in the Order "Discussion" section to the record, and to at least one relevant Order from the FCC. Also, this information is well within this Commission's knowledge and expertise. Therefore, after full consideration, the assertions in SCCTA's Petition with regard to Order No. 2014-517 are unavailing.

Further, examination of the SCCTA's arguments with regard to Order No. 2013-908 leads to the same conclusion. SCCTA states that we erred in failing to take judicial notice of the ILEC annual reports and surrogate cost information filed with the Commission or with the Office of Regulatory Staff outside of this proceeding. The decision as to whether or not to take judicial notice was discretionary with this Commission, considering the wording of Commission Regulation 103-846 (C), which states that the Commission "may" take notice of judicially cognizable facts. Clearly, SCCTA's request was untimely, and SCCTA failed to make a sufficient showing of the relevance of the documents to this proceeding. These grounds are sufficient to support our denial of the request to take judicial notice of the specific reports and information discussed.

Accordingly, due to the reasons that I have stated, I move that the SCCTA Petition be denied in its entirety.

PRESIDING: _____ SESSION: Regular TIME: 2:00 p.m.
Hall _____

	MOTION	YES	NO	OTHER	
ELAM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Not Voting</u>	Not on Commission Staff at the time of the Oral Arguments

FLEMING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Annual Leave
---------	--------------------------	--------------------------	--------------------------	---------------	--------------

HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
------	--------------------------	-------------------------------------	--------------------------	--	--

HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
----------	--------------------------	-------------------------------------	--------------------------	--	--

HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Family Sick Leave
--------	--------------------------	--------------------------	--------------------------	---------------	-------------------

RANDALL	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
---------	-------------------------------------	-------------------------------------	--------------------------	--	--

WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
-----------	--------------------------	-------------------------------------	--------------------------	--	--

(SEAL)

RECORDED BY: J. Schmieding

